

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

THE ESTATE OF ISABELLA “BELLA”  
HERNDON, JOHN HERNDON, J.H., a  
minor, AND T.H., a minor,

*Plaintiff-Appellants,*

v.

NETFLIX, INC.,

*Defendant-Appellee.*

Civil Appeal No. 22-15260

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSE TO APPELLEE’S MOTION**

Pursuant to Federal Rules of Appellate Procedure 2, 26, and 27, Plaintiff-Appellants the Estate of Isabella “Bella” Herndon, John Herndon, J.H., a minor, and T.H., a minor, hereby respectfully request and move unopposed for a 4-day extension of time to file their response to the June 27, 2023, motion to strike filed by Appellee, up to and including **Tuesday, July 18, 2023**, for several reasons described herein.

This is a wrongful-death and survival action that arose out of the death of a 15-year-old girl. The Plaintiff-Appellants are her surviving father and brothers. A proposed amicus moved for leave to file a brief as amicus curiae. 9th Cir. Dkt. 64-1. Appellants responded. 9th Cir. Dkt. 72. Appellee has filed a motion to strike Appellants’ response to the amicus motion. 9th Cir. 73.

Appellants' response would be due today. Yet, one of Appellants' counsel is on a pre-planned vacation with his wife. Another of Appellants' counsel is tending to a family member who is hospitalized. The third and final appellate counsel for Appellants is not feeling well.

This extension request is **unopposed**. In response to an email inquiry regarding this extension request by Appellants' counsel, counsel for Appellee stated the following: "We won't oppose."

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Appellants hereby respectfully request and so move unopposed for a 4-day extension of time.

Date: July 14, 2023

Respectfully submitted,

/s/ Andrew Grimm

Andrew Grimm

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Herndon, John Herndon, J.H., a minor, T.H.,  
a minor*

## **CERTIFICATE OF COMPLIANCE**

This Motion contains **454** words.

This Motion was prepared in Microsoft Word using Times New Roman 14-point font.

Date: July 14, 2023

Respectfully submitted,

/s/ Andrew Grimm

Andrew Grimm

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. Other participants who are not registered users will be served via email, with an option to deliver a paper copy upon specific request made.

Date: July 14, 2023

Respectfully submitted,

/s/ Andrew Grimm

Andrew Grimm